

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

United States of America

v.

Case NO. 2:91-cr-24

David M. Kohorst

ORDER

The above defendant was originally sentenced on September 6, 1991, to a term of imprisonment of eighteen months, to be followed by a three-year term of supervised release, which he began serving on October 14, 1993. Defendant absconded from supervision during the summer of 1994, and stopped payment on his restitution and special assessment obligations. A violation report was filed on August 11, 1994, and an arrest warrant was issued. Defendant remained an absconder until December 23, 2010, when he was arrested in the Northern District of Georgia.

This matter is before the court on the probation officer's petition for revocation of defendant's supervised release. The matter was referred to Magistrate Judge Terence P. Kemp for a hearing and the issuance of a report and recommendation. The magistrate judge held a hearing on January 26, 2011. At the hearing, defendant did not dispute the violations, and the parties jointly requested a sentence of time served. After obtaining a supplemental report from the probation officer, the magistrate judge filed a report and recommendation on February 15, 2011. The magistrate judge recommended that defendant be found to have violated the conditions of his supervised release, that a term of imprisonment of time served be imposed, and that a new term of supervised release of one year be imposed to address defendant's

restitution obligation.

The court has been advised by counsel for defendant and the government that they have no objections to the report and recommendation. Accordingly, the court hereby adopts the report and recommendation (Doc. No. 44). The court finds that the defendant violated the terms of his supervised release. Supervised release is hereby revoked. The court imposes a term of imprisonment of time served as of the date of this order. The court also imposes a new term of supervised release of one year, to be served under the same terms and conditions as the original term of supervised release.

It is so ordered.

Date: February 16, 2011

s/James L. Graham
James L. Graham
United States District Judge